

April 24, 2017

Letter of Appeal
Ms. Marlene H. Dortch
Federal Communication Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

- ***RE: In the Matter of Request for Review of the Universal Service Administrator, Schools and Libraries Universal Service Support Mechanism.***
- ***CC Docket No 02-6***
- ***Request for Waiver of FCC Rule Establishing Invoice Deadline (Federal Communications Commission FCC 14-99)***

Authorized party best equipped to discuss this Appeal:

John Rossi Phone: 516-868-5600 / Fax 516-908-7703
TeleTech Associates, Inc. Email: john@teletechassociates.com
PO Box 637
Rhinebeck NY 12572

Applicant Name: SHELTER ISL UN FREE SCH DIST ("Applicant")
SLD Invoice Number: 2534070
BEAR Letter Date: 03/16/2017
Line Item Detail Number: 8447905;
Amount Requested: 423.00
USAC comments - *Incomplete documents provided for review*
BEN: 124025 (additional details please see Attachment I)

Request for Waiver:

Applicant respectfully seeks the Commission to waive the one-time deadline extension rule established in concert with the ERATE Modernization Order (FCC 14-99).

Background and Details of Applicant Request:

Only July 1, 2016 the new "Direct Deposit" feature was formerly implemented by USAC. Applicants seeking Funding Year 2015 refunds could a) pursue the BEAR 472 form or b) pursue the Service Provider Invoicing option in which case the applicant's monthly bills would reflect discounts equivalent to their BEAR filing(s).

However, if an applicant – such as our Applicant – sought and received a partial disbursement for their Funding Year 2015 commitment prior to July 1, 2015 said applicant (pursuant USAC rules) was now preordained to continue this same means of disbursement. For our Applicant we had no choice, post July 1, 2015, but to complete the new Direct Deposit requirement.

Recognizing the steps involved in completing the new Direct Deposit, with timing that paralleled both the summer recess and the start of the new school year, we prudently submitted multiple Invoicing Deadline Extensions for our clients.

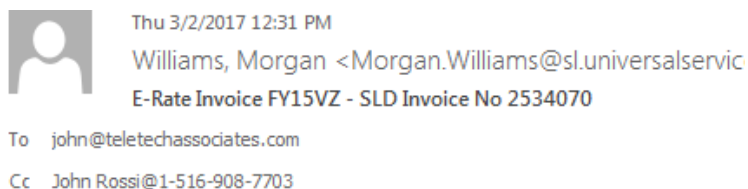
The Applicant (BEN 124025) was granted an extension until 2/27/17.

We had submitted our pre-July 1, 2016 BEAR on 2/2/2016 for the first 6 months of the funding cycle. This BEAR (Invoice ID 2336692) sought \$423.00. The BEAR was approved and the funds were disbursed.

We submitted our post-July 1, 2016 BEAR on 2/16/2017 for the second 6 months of the funding cycle. This BEAR (Invoice ID 2534070) sought \$423.00.

Invoice Id	Applicant Form Identifier	SPIN	Status	Reimbursement Amount	Contact Name	Authorized By	Certified By	Date Created	Date Submitted to SLD
2336650	FY15CBL.1	143007246	COMPLETED	\$1,015.53	John Rossi	JOHN ROSSI		2/2/2016 10:57:01 AM	2/24/2016 4:30:52 PM
2336692	FY15VZ.1	143001359	COMPLETED	\$423.00	John Rossi	JOHN ROSSI		2/2/2016 11:00:48 AM	2/2/2016 11:45:16 AM
2534070	FY15VZ	143001359	COMPLETED	\$423.00	John Rossi	JOHN ROSSI		2/16/2017 6:05:51 PM	2/16/2017 6:05:52 PM

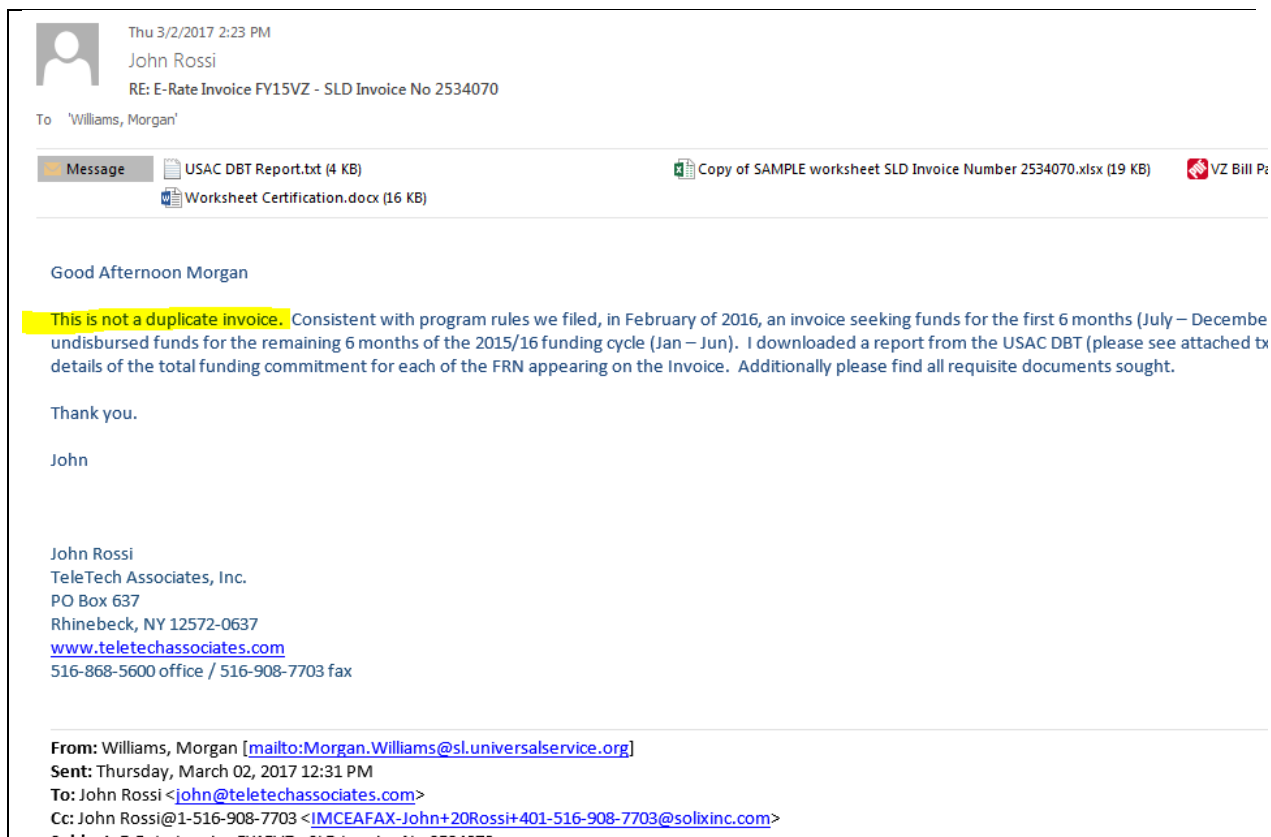
On **March 2, 2017** – three days beyond the 2/27/17 Invoice Deadline – we received an inquiry from USAC, specifically from Ms. Morgan Williams.



The verbiage appearing in the body of the USAC email concerned us, in that there was a strong and (by appearance) somewhat uncompromising assertion that our Invoice was a duplicate.

. Our records indicate that the above invoice is a duplicate of another invoice – see attached Duplicate Invoice Report.

It has always been our practice (whenever possible) to respond within 24 hours of any reviewer's outreach to us. In this particular case, because of our perception that USAC was already of the view that a duplicate invoice had been submitted, I personally responded on the very same day (**March 2, 2017**) in less than 120 minutes of receiving the inquiry.



The promptness of my response was buttressed by a comprehensive body of evidence which – I felt – would unequivocally demonstrate the clear misunderstanding that had taken place. By providing both a quick and meaningful response I was confident the matter was resolved.

Unfortunately, that was not the case. On March 16, 2017 – two weeks after my response to USAC – the notice below was received by the Applicant.

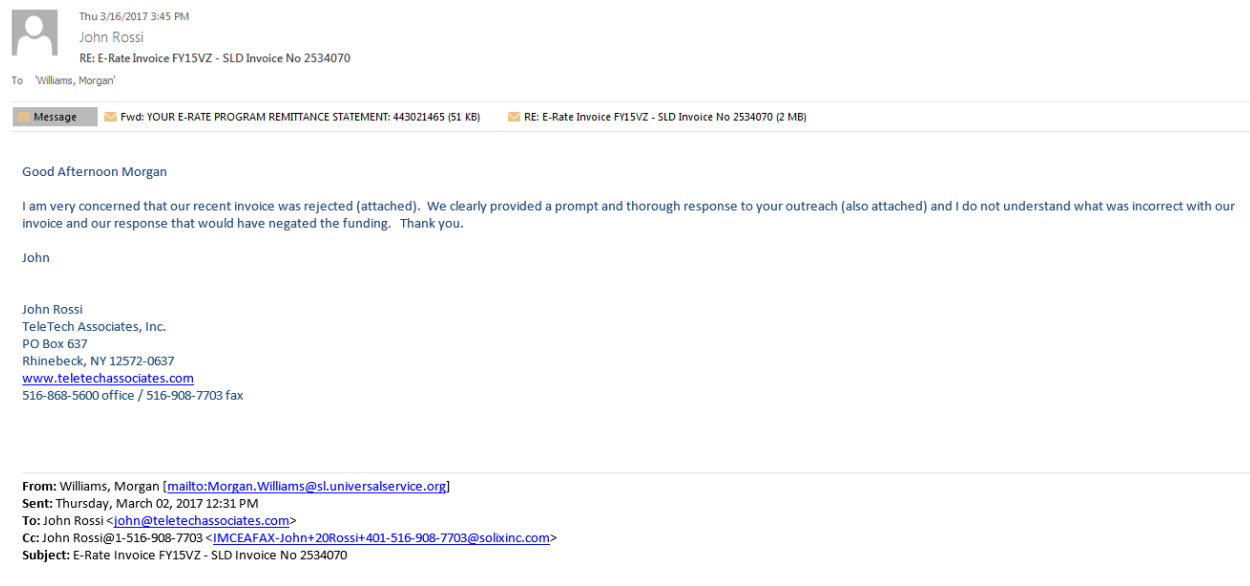
SCHOOLS AND LIBRARIES BEAR PROGRAM REMITTANCE STATEMENT
as Of March 16, 2017

RE: FCC Form 498 ID 443021465

This notice provides an explanation of your entity's Billed Entity Applicant Reimbursement (BEAR) payment for the following invoices.

	Approved
3/16/2017 143001359 Verizon New York Inc. 2822101 FY15VZ	\$0.00
Applicant Name: SHELTER ISL UN FREE SCH DIST;SLD Invoice Number:2534070;BEAR Letter Date:03/16/2017;Line Item Detail Number:8447905;Amount Requested:423.00;Incomplete documents provided for review;1239;	
Total Approved Disbursement	<u>\$0.00</u>

Of course our immediate reaction was to contact the reviewer in order to comprehend what could possibly been misunderstood with our March 2, 2017 response.



In addition to the aforementioned email to the USAC reviewer we contacted the USAC Billing and Disbursements team, who in turn advised us to contact the Client Services Bureau.

By way of the EPC online portal we created Case #162689 which sought an explanation into what we perceived, and continue to perceive, as a grave misunderstanding on the part of USAC. Clearly the evidence we presented in our March 2 reply could lead to just one singular conclusion, there was no duplication of invoicing.

Case Description

Description Hello, we are perplexed why our Invoice was rejected. I did call USAC Billing and Disbursements but was advised to contact CSB. I also emailed the reviewer for information. Our client is not happy and I am unclear on what is wrong, thank you and how we reconcile this. Please see attached. Thank you.

Case Artifacts

Documents

Name	Uploaded By	Upload Date
EPC does not permit appeal for FY15	John Rossi	3/17/17 9:49 AM
RE E-Rate Invoice FY15VZ - SLD Invoice No 2534070	John Rossi	3/16/17 5:20 PM
Fwd YOUR E-RATE PROGRAM REMITTANCE STATEMENT 443021465	John Rossi	3/16/17 5:20 PM

Attachments

Attachment	Attachment Type
No items available	

Case Thread

User	Note	Date
USAC	<p>John,</p> <p>Any decision made by USAC or the Schools and Libraries Program regarding eligibility, funding, or payment recovery, can be appealed by the impacted party.</p> <p>USAC must receive a complete appeal within 60 days of the issuance of the decision by USAC; e.g., a FCDL must be appealed within 60 days of the date of the FCDL. To allow sufficient time for review, USAC encourages applicants to submit appeals as soon as possible following USAC's decision.</p> <p>Failure to provide all required documentation within 60 days of USAC's decision will result in dismissal of the appeal. See 47 C.F.R. Section 54.719-54.725 for the FCC's rules on filing an appeal.</p> <p>Further instructions for submitting an appeal for an FY2015 or earlier FRN appear on the following page on the Schools and Libraries website: http://www.usac.org/sl/about/program-integrity/appeals.aspx</p>	3/17/2017 9:53 AM EDT
John Rossi	How are we supposed to submit an Appeal when EPC only has drop down options for 2016 and 2017. This issue relates to FY 2015.	3/17/2017 9:49 AM EDT
USAC	<p>John,</p> <p>You submitted a BEAR form on 02/02/2016 application number 2336692 with the Customer Bill Date as 07/01/2015 for the discount amount of 423 so it looked like a duplication. Since your Invoice deadline has past you will need to appeal.</p>	3/16/2017 5:34 PM EDT

Case Contact

Case Contact John Rossi

Ms. Williams, our USAC reviewer, was generous enough to respond (also on March 17) to my email (page 4 above).

Williams, Morgan Morgan.Williams@sl.universalservice.org via [teletechassociates.onmicrosoft.com](#)

to John

Mar 17 ☆ ↶

Hi John,

As stated on my initial outreach, if the invoices were not duplicates we required invoices for both lines to validate non-duplication. For both invoices in question, **previous as well as current**, the bills were requested indicating which document is for which inv # and line #. In reviewing your response, only bills for the current invoice line were provided.

If you have any further questions or concerns you can contact the Client Service Bureau ([1-888-203-8100](tel:1-888-203-8100)).

Enjoy your weekend.

Kindest regards,

Ms. **Morgan Williams**
Case Management
Program Integrity Assurance
USAC, Schools and Libraries Division
Phone: [973-581-5335](tel:973-581-5335)
Fax: [973-599-6538](tel:973-599-6538)
E-mail: Morgan.Williams@sl.universalservice.org

Ms. Williams' response is correct in acknowledging the excel files we completed, and the additional materials we provided, failed to comport with the precise framework desired by USAC. However, the

excel files – provided by USAC in their original inquiry outreach – do clearly include the word “SAMPLE” – suggesting they are just that, samples.

It is our belief that the USAC reviewer, upon reading our response and the associated documentation (which included a report derived from the SLD DTB), would agree that there was no duplicate 472 / Invoice. Which would suggest a ministerial and/or parliamentary pretext is preventing the Applicant from securing their **\$423.00** in funds.

The only recourse we have is to Appeal for a waiver; as recommended below.

USAC	John, You submitted a BEAR form on 02/02/2016 application number 2336692 with the Customer Bill Date as 07/01/2015 for the discount amount of 423 so it looked like a duplication. Since your Invoice deadline has past you will need to appeal.	3/16/2017 5:34 PM EDT
------	---	-----------------------

We faithfully comply with all program rules and we yield to program orthodoxy no matter how challenging new and existing processes, from time to time, may represent. However, we respectfully seek an FCC waiver to Extend our Invoice Deadline filing date beyond 2.27.17, allowing us the opportunity to comport with the USAC required convention(s) which we believe have been leveraged in a capacity that is causing unintended harm to the Applicant.

1. We believe USAC decisions should be weighted to support the strength of evidence provided by the applicant as opposed to the weight of USAC protocols. *(NOTE: this comment should in no way be interrupted to suggest that process and procedure should be aborted – rather we are asserting a balance should be contemplated between the applicant’s due diligence and program conventions).*
2. We believe the elimination of the narrative section (please see Attachment II) of the 472 removed a valuable tool which would have provided details helpful to the USAC reviewer in discerning our BEAR (SLD Invoice Number 2534070).
3. USAC 472 online training materials state ‘the first month’ needs to be inserted into Column 10, (please see Attachment III) – which is what did on the Applicant’s invoice (which we believe reinforces the validity of our Item 2 commentary directly above).
4. Though [USAC provides training in terms of responding to PIA reviews](#) there is no like training available for responding to Invoice reviews available online or within [472 Guide](#).

Attachment I

FRN: 2822101	FY: 2015
--------------	----------

Basic Information

Applicant: SHELTER ISL UN FREE SCH DIST **Type:** DISTRICT
Billed Entity: 124025

470 Information

470#: 388210001324883

471 Information

471#: 1010365
SPIN: 143001359 Verizon New York Inc.
Service Type: VOICE SERVICES
Status: FUNDED **Wave:** 10 **FCDL Date:** 7/31/2015
Status Memo:
Service Start Date (471): 7/1/2015 **Service Start Date (486):** 7/1/2015
Current Commitment: \$846.00 **Payment Mode:** BEAR
Disbursed Amount: \$423.00 **Undisbursed:** \$423.00
Last Date of Service: **Last Date to Invoice:** 2/27/2017

	Original Request	Original Commitment
Total Monthly Cost:	\$235.00	\$235.00
Total Ineligible Monthly Cost	\$0.00	\$0.00
Months of Service:	12	12
Annual Recurring Charges:	\$2,820.00	\$2,820.00
Estimated One Time Cost:	\$0.00	\$0.00
Total One Time Ineligible Cost:	\$0.00	\$0.00
Total One Time Cost:	\$0.00	\$0.00
Estimated Monthly Cost:	\$235.00	\$235.00

Attachment II

Prior to July 1, 2017 (the date in which the new "498" version of the 472 was implemented) applicants had the opportunity to include a narrative which elucidated details helpful to the USAC reviewer. That option, as seen below, is no longer available.

year or the service delivery deadline for the funding request any and all records that I rely upon to complete this form.

☐ E. I certify that, in addition to the foregoing, this Billed Entity Applicant is in compliance with the rules and orders governing the schools and libraries universal service support program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities.

.....

Contact Information for Billed Entity Authorized Person:

15. Signature ☐
By logging into your account using your PIN, checking this box, and clicking the "certify" button at the end of the form, you have electronically signed the form. You are reminded that an electronic signature is the same as a handwritten signature on the form. To see a copy of the Terms and Conditions to which you previously agreed, please click on the "Terms and Conditions" menu above.

16. Date 4/24/2017

17. Name	JOHN ROSSI	19. Phone Number	(516) 868 - 5600 ext. <input type="text"/>
18. Title/Position	ERATE CONSULTANT	19a. Fax Number	(516) 908 - 7703 ext. <input type="text"/>
20. Address 1	PO Box 637	19b. Email	JOHN@TELETECHASSOCIATES.COM
Address 2	PO	19c. Name of Authorized Person's Employer	<input type="text"/>
City	Rhinebeck		
State	NY		
Zip Code	12572 - <input type="text"/>		

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Attachment III

NOTE: DO NOT complete BOTH Column 10, **Customer Billed Date**, and Column 11, **Shipping Date to Customer or Last Day of Work Performed**.

Column (10) – Customer Billed Date. This field is for reimbursement of bills for recurring services and for multiple installments for non-recurring services. The month and year you enter in this column should be for the first month you received services represented by the amount in the **Discount Amount Billed to USAC** field, Column (14). The date must be in month, day, and 4-digit year (mm/dd/yyyy) format and must be within the funding year.

For example:

- If you receive a monthly bill dated June 15, 2016 for recurring services from July 1 to July 31, you should enter 07/15/2016.
- If you receive a quarterly bill dated November 1, 2016 for recurring services from October 1 to December 31, you should enter 11/1/2016.
- If you receive a bimonthly installment bill dated September 10, 2016 for non-recurring services from September 1 to October 31, you should enter 09/10/2016.

Column (11) – Shipping Date or Last Day of Work Performed. Use this column for reimbursement for non-recurring services billed one time only such as Internal Connections. The date in Column (11) should be either the date that the products were shipped or the last